

## **REMARKS/ARGUMENTS.**

### **1. Claim Amendments.**

Claim 1 has been amended to include the subject matter of previous claims 3 and 7. Claim 1 has been limited to the vectors which target EGFR/erbB-2 as defined on page 9 lines 7-19 of the specification. Claims 2, 3, 4, 6 and 7 have consequently been cancelled. Claim 1, 8 and 11 are therefore pending in the application.

### **2. Claim Rejections: 35 USC §112.**

Claims 1-4, 6-8 and 11 stand rejected in this regard. In light of the above claim amendments, this objection is directed against claims 1, 8 and 11 only.

Applicants point out that revised claim1 provides a formula for the contrast agent, (Formula I), and specifies the chemical structure of V within that formula. Revised claim1 also defines the nature of the reporter (R).

The objection vs revised claim 1 should therefore be withdrawn. Claims 8 and 11 depend on claim 1, and are believed clear for the same reasons. The objection should therefore be withdrawn in its entirety.

### **3. Claim Rejections: 35 USC §103.**

#### **3.1 Ito and Iversen.**

Claims 1, 3, 7-8 and 11 stand rejected as being obvious over the combination of Ito (US 5,966,479) and Iversen (US 6,365,577).

The Examiner argues that the combination of Ito and Iversen teaches towards the use of the optically-labelled p53 antibody of Ito to image esophageal cancer. Applicants however respectfully submit that antibodies are outside the scope of Formula I of revised claim 1, hence the combination teaches away from the presently claimed subject matter. The obviousness rejection to claims 1, 8 and 11 should therefore be withdrawn.

### 3.2 Quinn and Chiang.

Claims 1-4, 3, 6-8 and 11 stand rejected as being obvious over the combination of Quinn (US 7,585,509; newly-cited) and Chiang *et al* [Cancer.Res, 5, 1381-1386 (1999); newly-cited].

The Examiner argues that the combination of Quinn and Chiang teaches towards the use of the optically-labelled peptides of Quinn to image esophageal cancer. Such peptides are outside the scope of Formula I of revised claim 1, hence the combination teaches away from the presently claimed subject matter. The obviousness rejection to claims 1, 8 and 11 should therefore be withdrawn.

### CONCLUSION.

In view of the amendments and remarks herein, Applicants believe that each ground for rejection or objection made in the instant application has been successfully overcome or obviated, and that all the pending claims are in condition for allowance. Withdrawal of the Examiner's rejections and objections, and allowance of the current application are respectfully requested.

Appl. No. 10/582,679  
Amdt. Dated October 18, 2010  
Reply to Office Action dated: May 17, 2010

The Examiner is invited to telephone the undersigned in order to resolve any issues that might arise and to promote the efficient examination of the current application.

Respectfully submitted,

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